

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Raymond P. Warrell et al.  
Title: **PROCESS FOR PRODUCING ARSENIC TRIOXIDE...**  
Appl. No.: 10/425,785  
Filing Date: 04/30/2003  
Examiner: John Pak, Art Unit: 1616

**ASSOCIATE POWER OF ATTORNEY**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned attorney of record hereby appoints

**Shawn P. Foley**  
**Registration No. 33,071**

as an associate with power of attorney to to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to transact business in the United States Patent and Trademark Office connected therewith, and to have power of substitution, association, and revocation.

All future correspondence concerning this application, should continue to be addressed to:

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Respectfully submitted,

Date: October 30, 2003

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By

  
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# DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

Process For Producing Arsenic Trioxide Formulations And Methods For Treating Cancer Using Arsenic Trioxide Or Melarsoprol

and for which a patent application:

☐ is attached hereto and includes amendment(s) filed on (if applicable)

☒ was filed in the United States on November 10, 1998 as Application No. 09/189,965 (for declaration not accompanying application)

with amendment(s) filed on (if applicable)

☐ was filed as PCT international Application No. on and was amended under PCT Article 19 on (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION |         |                                      |  |
|--|---------|--------------------------------------|--|
| APPLICATION NUMBER   | COUNTRY | DATE OF FILING<br>(day, month, year) | PRIORITY<br>CLAIMED                                      |
|  |         |                                      | YES <input type="checkbox"/> NO <input type="checkbox"/> |
|  |         |                                      | YES <input type="checkbox"/> NO <input type="checkbox"/> |

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

| APPLICATION NUMBER | FILING DATE       |
|--------------------|-------------------|
| 60/064,655         | November 10, 1997 |
|                    |                   |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| APPLICATION SERIAL NO. | FILING DATE | STATUS   |         |           |
|------------------------|-------------|----------|---------|-----------|
|                        |             | PATENTED | PENDING | ABANDONED |
|                        |             |          |         |           |
|                        |             |          |         |           |

POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Isaac Jarkovsky (Reg. No. 22713), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adnane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Ann L. Gisolfi (Reg. No. 31956), and Mark A. Farley (Reg. No. 33170), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

| SEND CORRESPONDENCE TO: PENNIE & EDMONDS LLP<br>1155 AVENUE OF THE AMERICAS<br>NEW YORK, N.Y. 10036-2711 |                         |  |  | DIRECT TELEPHONE CALLS TO:<br>PENNIE & EDMONDS LLP DOCKETING<br>(212) 790-2803 |                   |
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

|  |   |  |
|--|---|--|
| SIGNATURE OF INVENTOR 201<br><i>Raymond Warrell, Jr.</i> | SIGNATURE OF INVENTOR 202<br><i>Pier Pandolfi</i> | SIGNATURE OF INVENTOR 203<br><i>Janice Gabrilove</i> |
| DATE<br>1/6/99   | DATE<br>1/7/99                                    | DATE<br>1/7/99                                       |
| SIGNATURE OF INVENTOR 204                                | SIGNATURE OF INVENTOR 205                         | SIGNATURE OF INVENTOR 206                            |
| DATE   | DATE  | DATE   |